

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	CASE NO: 09-53269K
Aaron Lewald Cleary	§	
Lupita Adame King-Cleary	§	
DEBTOR(S)	§	CHAPTER 13

RESPONSE TO TRUSTEE'S MOTION TO DISMISS AND REQUEST FOR HEARING

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Debtor (so denominated whether individual or joint), and files this, Response to Trustee's Motion to Dismiss.

I.

There is no need to file a modification as the balance of the Debtors' case is \$725.10 and they shall remit that amount prior to the time of the hearing.

II.

By way of further response, if such be required, Debtor denies that grounds exist for the dismissal of Debtor's Chapter 13 case and demands proof thereof.

PRAYER

Wherefore, premises considered, Debtor requests the Court deny the Trustee's Motion to Dismiss.

Respectfully submitted,

MALAISE LAW FIRM

909 NE Loop 410, Suite 300

San Antonio, Texas 78209

Telephone: (210) 732-6699

Telecopier: (210) 732-5826

By: _____

J. Todd Malaise, SBN 00796984

David C. Werner, SBN 00797651

Kristina L. Gonzales, SBN 24065306

Steven G. Cennamo, SBN 04045600

ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on December ~~12~~¹⁵, 2014, service of a copy of the attached has been accomplished by **CM/ECF to Mary K. Viegelaahn, Chapter 13 Trustee**, and by first class mail, postage paid, or hand delivered to the parties in interest listed below and to all parties listed on the attached mailing matrix.

Aaron Lewald Cleary
122 Salvria Pl
Port Lavaca, TX 77979

Lupita Adame King-Cleary
122 Salvria Pl
Port Lavaca, TX 77979

U.S. Trustee
615 E. Houston St., Rm 533
San Antonio, Texas 78205

A handwritten signature in black ink, appearing to read "J. Todd Malaise", is written over a horizontal line.

J. Todd Malaise
David C. Werner
Kristina L. Gonzales
Steven G. Cennamo

EBE

Label Matrix for local noticing
0542-5
Case 09-53269-rbk
Western District of Texas
San Antonio
Thu Dec 11 17:46:45 CST 2014

U.S. BANKRUPTCY COURT
615 E. HOUSTON STREET, ROOM 597
SAN ANTONIO, TX 78205-2055

United States Trustee (SMG513)
U.S. Trustee's Office
615 E. Houston, Suite 533
P.O. Box 1539
San Antonio, TX 78295-1539

AMCA Collection Agency
2269 S. Saw Mill River Road, Building 3
Elmsford, NY 10523-3848

United States Trustee - SA12 12
US Trustee's Office
615 E Houston, Suite 533
PO Box 1539
San Antonio, TX 78295-1539

Accounts Receivable Management
P O Box 129
Thorofare, NJ 08086-0129

Allied Interstate
3000 Corporate Exchange Dr
Fifth Floor
Columbus, OH 43231-7689

Applied Card Bank
Attention: General Inquiries
PO Box 17125
Wilmington, DE 19850-7125

Aqua Finance
1 Corporate Cove, Ste 300
Wausau, WI 54401-1724

Aqua Finance
PO Box 844
Wausau, WI 54402-0844

Ashley Funding Services LLC its successors a
assigns as assignee of Laboratory Corp
of America Holdings
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Associated Recovery Systems
P.O. Box 469046
Escondido, CA 92046-9046

Attorney General of the US
Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0009

Baptist Health System
PO Box 848333
Dallas, TX 75284-8333

Bexar County
c/o Don Stecker
711 Navarro Suite 300
San Antonio, TX 78205-1749

CPS Energy
P. O. Box 2678
San Antonio, Texas 78289-0001

Clinical Pathology Laboratories, Inc
P.O. Box 141669
Austin, TX 78714-1669

Cmre Financial Services Inc
3075 E Imperial Hwy
Suite 200
Brea, CA 92821-6753

Collection
Attn: Bankruptcy Department
PO Box 10587
Greenville, SC 29603-0587

Drive Financial
Attn: Bankruptcy Department
PO Box 562088
Dallas, TX 75356-2088

First Premier Bank
PO Box 5524
Sioux Falls, SD 57117-5524

Gary S. Gossen, MD
PO Box 798
San Antonio, TX 78293-0798

HSBC Auto Finance
Bankruptcy Notices
PO Box 17909
San Diego, CA 92177-7909

HSBC Auto Finance (f/k/a Household Auto Fina
P.O. Box 201347
Arlington, TX 76006-1347

HSBC Auto Finance (f/k/a Household Auto Fina
P.O. Box 60130
City Of Industry, CA 91716-0130

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

James D. Coffee
Attorney at Law
9846 Lorene
San Antonio, TX 78216-4438

(p)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

LCA Collections
P.O. Box 2240
Burlington, NC 27216-2240

LVNV Funding LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Litton Loan Servicing BK Dept
PO Box 829009
Dallas, TX 75382-9009

Litton Loan Servicing, LP.
PO BOX 829009
Dallas, TX 75382-9009

Memorial Herman Hospital
P. O. Box 203197
Houston, TX 77216-3197

Methodist Hospital
P.O. Box 99400
Louisville, KY 40269-0400

Midland Credit Management, Inc.
8875 Aero Drive, Suite 200
San Diego, CA 92123-2255

Midland Credit Mgmt
8875 Aero Dr Ste 200
San Diego, CA 92123-2255

NCEP, LLC
PO Box 165028
Irving, TX 75016-5028

NCEP, LLC
by AIS Data Services, LP as agent
Department 233
PO BOX 4457
Houston, TX 77210-4457

National Auto Finance
PO Box 130156
Roseville MN 55113-0002

National Auto Finance Company
P.O. Box 130424
Roseville, MN 55113-0004

Natl A Fin
P O Box 1762
Greeley, CO 80632-1762

Ocwen Loan Servicing
c/o Mackie Wolf & Zientz, P.C.
14180 N. Dallas Parkway #660
Dallas, TX 75254-7308

Ocwen Loan Servicing L
12650 Ingenuity Dr
Orlando, FL 32826-2703

Ocwen Loan Servicing, LLC
ATTN: CASHIERING DEPARTMENT
1661 Worthington Road, Suite 100
West Palm Beach, FL 33409-6493

Ocwen Loan Servicing, LLC
Attn: Bankruptcy Department
P.O. BOX 24605
West Palm Beach, FL 33416-4605

PRA Receivables Management, LLC
As Agent Of Portfolio Recovery Assocs.
POB 41067
NORFOLK VA 23541-1067

Pinnacle Financial Group
7825 Washington Ave. S., Ste. 410
Minneapolis, MN 55439-2409

Plaza Associates
P.O. Box 18008
Hauppauge, NY 11788-8808

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Premier Bankcard/Charter
POB 2208
Vacaville, CA 95696-8208

RJM Acquistions Funding LLC
575 Underhill Ave, # 224
Syosset, NY 11791-3416

Receivables Performance Management
P.O. Box 1548
Lynnwood, WA 98046-1548

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Redline Recovery Services, LLC
95 John Muir Dr.
Amherst, NY 14228-1144

SANTANDER CONSUMER USA
P.O Box 961245
Ft. Worth, TX 76161-0244

SANTANDER CONSUMER USA
PO BOX 560284
DALLAS TX 75356-0284

SAWS
P. O. Box 2990
San Antonio, Texas 78299-2990

Salute/utb
Pob 105555
Atlanta, GA 30348-5555

San Antonio Endoscopy Center
8550 Datapoint
San Antonio, TX 78229-3270

Santander Consumer
PO Box 660633
Dallas, TX 75266-0633

(p)SPRINT NEXTEL CORRESPONDENCE
ATTN BANKRUPTCY DEPT
PO BOX 7949
OVERLAND PARK KS 66207-0949

The San Antonio Orthopaedic Group
Po Box 2516
San Antonio, TX 78299-2516

US Attorney's Office
601 NW Loop 410, Ste 600
San Antonio, TX 78216-5597

VA Regional Office
Office of District Counsel
2515 Murworth Drive
Houston, TX 77054-1603

West Asset
2703 N Highway 75
Sherman, TX 75090-2567

West Asset Management
2703 N Highway 75
Sherman, TX 75090-2567

Wildhorse Homeowners Association, Inc.
c/o Spectrum Association Mgmt., LP
17319 San Pedro, Suite 318
San Antonio, TX 78232-1443

Aaron Lewald Cleary
122 Salvria Pl
Port Lavaca, TX 77979-4938

J. Todd Malaise
909 NE Loop 410, Suite 300
San Antonio, TX 78209-1315

J. Todd Malaise02
Malaise Law Firm
909 NE Loop 410, Suite 300
San Antonio, TX 78209-1315

J. Todd Malaise03
Malaise Law Firm
909 NE Loop 410, Suite 300
San Antonio, TX 78209-1315

Lupita Adame King-Cleary
122 Salvria Pl
Port Lavaca, TX 77979-4938

Mary K Viegelahn
Chapter 13 Trustee
10500 Heritage Blvd Suite 201
San Antonio, TX 78216-3631

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Jefferson Capital Syst
16 Mcleland Rd
Saint Cloud, MN 56303

(d)Jefferson Capital Systems LLC
PO BOX 7999
SAINT CLOUD MN 56302-9617

(d)Jefferson Capital Systems LLC
PO BOX 7999
ST CLOUD MN 56302-9617

Portfolio Rc
Attn: Bankruptcy
120 Corporate Blvd Suite 100
Norfolk, VA 23502

(d)Portfolio Recovery Associates, LLC
P.O. Box 41067
Norfolk, VA 23541

Sprint Nextel Correspondence
Attn Bankruptcy Dept
PO Box 7949
Overland Park KS 66207-0949

(d)Sprint Nextel Distribution
Attn: Bankruptcy Dept
P.O. Box 3326
Englewood, CO 80155-3326

End of Label Matrix
Mailable recipients 72
Bypassed recipients 0
Total 72